

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

ETHANOL CAPITAL MANAGEMENT,	)	
	)	
Plaintiff,	)	4:06CV3176
	)	
v.	)	
	)	
DEWEESE BIOFUELS, REPUBLICAN	)	MEMORANDUM AND ORDER
VALLEY ETHANOL, STEVE	)	
CLABAUGH, PAMELA MAYNARD, and	)	
CLAY RAWHOUSER,	)	
	)	
Defendants.	)	
_____	)	

The defendants moved to dismiss plaintiffs' amended complaint on October 6, 2006. Filing 32. The plaintiffs' response to that motion is not yet due, and no response has been filed. The motion is therefore not fully submitted and remains pending.

On October 18, 2006, the court entered an order *sua sponte* requiring the parties to explain why sanctions should not be imposed for failing to meet and confer in accordance with Rule 26(f) of the Federal Rules of Civil Procedure. Filing 34. However, upon further review of the court's record, I conclude the Rule 26(f) requirements should be held in abeyance pending a ruling on the defendants' motion to dismiss. Accordingly, the court's filing 34 show cause order was improvidently entered and should be withdrawn.

IT THEREFORE HEREBY IS ORDERED:

1. The court's show cause order, filing 34, is withdrawn.
2. The parties' meet and confer obligations under Rule 26(f) of the Federal Rules of Civil Procedure shall be held in abeyance pending a ruling on defendants' motion to dismiss.

3. Within ten days following the court's ruling on the motion to dismiss, the parties shall contact the chambers of the undersigned and advise the court of the parties' proposed schedule for complying with the Rule 26(f) requirements.

DATED this 24<sup>th</sup> day of October, 2006.

BY THE COURT:

s/ *David L. Piester*

David L. Piester  
United States Magistrate Judge